

Conditional Use Analysis

June 24, 2009

C-15-2009

Harmans' Towing

2923 S. 3600 W.

M-Zone 2.52 Acres

The applicant is requesting a new conditional use permit to modify one of the conditions from a previous conditional use approval, and a subsequent amendment approved by the Planning Commission on May 9, 2007. Per the provisions of Section 7-7-109 ("Time Limit") of the West Valley City Code, the previous conditional use permit has since expired. The applicant's site is located in a manufacturing zone (M) on 2.52 acres of land. It is bordered on the north and south by M zoning, on the west across 3600 W. by C-2 zoning and on the east by R-1-4 zoning. The West Valley City General Plan designates this property light manufacturing.

On January 29, 2003 the West Valley City Planning Commission approved application C-1-2003 for an expansion of an existing impound yard. One of the conditions of that approval was that by January 29, 2008 an existing modular trailer used as an office would be removed and replaced by a permanent building. In 2007, the applicant requested a 20-month extension to construct the permanent building, owing to the applicant's financial difficulties. The Planning Commission granted the extension, mandating that the permanent office building be completed by September 29, 2009; and that plans for the building be submitted to the Planning Commission by January, 2009.

The applicant has requested a new conditional use permit that would further extend the deadline for constructing a permanent office building, until after the Granger Hunter Improvement District (GHID) completes a sewer line along 3600 West north of 3100 South. As indicated in their attached letter, the applicant sought permission to install a septic system for the permanent office, and their request was denied by GHID. The applicant believes that the remaining options – tying into GHID's lift station or sewer line west of 3600 West, or tying into a line in the residential neighborhood to the east – are prohibitively expensive, possibly in excess of the cost of the building itself. GHID noted that a tie-in to the east, under residential properties, could be accomplished through easements. There are currently no restroom facilities on site. GHID has no plans to install a sewer line along 3600 West in 2009 or 2010.

The Planning Commission can approve the applicant's request to complete the building once the line is installed under 3600 West in front of the property. Since GHID has no current plans to install the line, this action would create a conditional use permit with no deadline. Alternatively, the Planning Commission can establish a future deadline and revisit the issue at that time. A third option would be to approve the new conditional use

permit, setting a more aggressive deadline that would require the applicant to seek another alternative for a sewer tie-in for the new building.

In the previous conditional use applications, the condition of the landscaping was raised as an issue to the Planning Commission. As of June 18, 2009, all required landscaping along the property frontage has been installed and is in reasonably good condition. The applicant must ensure that all required landscaping is permanently maintained and that all vacant areas are to be kept free of weeds.

Staff Alternatives:

- Approval pending completion of a sewer line along 3600 West, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The permanent office building shall be completed no later than ten months upon completion of a sewer main along 3600 West in front of the Applicant's property. Plans for this building, including any proposed residence, shall be submitted for Planning Commission review prior to completion of the building.
 2. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 3. All signage shall comply with West Valley City ordinances.
- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The permanent office building shall be completed by September 30, 2011. Plans for this building, including any proposed residence, shall be submitted for Planning Commission by January, 2011.
 2. The permanent office building shall be connected to a sewer line.
 3. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 4. All signage shall comply with West Valley City ordinances.
- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The permanent office building shall be completed by September 30, 2010. Plans for this building, including any proposed residence, shall be submitted for Planning Commission by January, 2010.
 2. The permanent office building shall be connected to a sewer line.
 3. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 4. All signage shall comply with West Valley City ordinances.
- Continuance, to allow for the resolution of any issues raised at the public hearing.